

LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo (SBN 144074)
dalekgalipo@yahoo.com
Cooper Alison-Mayne (SBN 343169)
cmayne@galipolaw.com
21800 Burbank Boulevard, Suite 310
Woodland Hills, CA 91367
Phone: (818) 347-3333

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

SANDRA KIRKMAN, CARLOS
ALANIZ, individually and successors-in-
interest to JOHN ALANIZ, deceased,

Plaintiff,

vs.

STATE OF CALIFORNIA, RAMON
SILVA, and DOES 1-10, inclusive,

Defendants.

Case No. 2:23-cv-07532-DMG-SSC

**DECLARATION OF COOPER
ALISON-MAYNE IN SUPPORT OF
PLAINTIFFS' EX PARTE
APPLICATION FOR AN ORDER
CERTIFYING DEFENDANTS'
APPEAL AS FRIVOLOUS AND
RETAINING JURISDICTION**

DECLARATION OF COOPER ALISON-MAYNE

I, Cooper Alison-Mayne, hereby declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and the United States District Court for the Central District of California. I am one of the attorneys of record for the Plaintiffs Sandra Kirkman and Carlos Alaniz. I make this declaration in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgement. I have personal knowledge of the facts contained herein and could testify competently thereto if called.

2. This application is properly made on an ex parte basis because there is not sufficient time for a regularly noticed motion that would prevent prejudice to Plaintiffs. Defendants filed a notice of appeal on March 10, 2025, less than two weeks before the final pretrial conference, which is set for March 25, 2025. The trial of this matter is set for April 15, 2025, and Plaintiffs would be prejudiced by having their trial delayed by Defendants' frivolous interlocutory appeal

3. Defendants' counsel is Lee Roistacher. Plaintiffs' counsel gave notice to defense counsel via telephone on March 10, 2025 and March 12, 2025, to advise Defendants that Plaintiffs would be filing the instant ex parte application. Defendants' counsel's contact information is as follows: DEAN GAZZO ROISTACHER LLP, 440 Stevens Avenue, Suite 100 Solana Beach, Ca. 92075; lroistacher@deangazzo.com, (858) 264-4938. Defendants are not opposed to Plaintiffs filing this motion on an ex parte basis, but Defendants are opposed to certifying their interlocutory appeal as frivolous. An opposition is expected to be filed on March 19, 2025.

4. Attached hereto as "Exhibit A" is a true and correct copy of Central District Judge Cormac J. Carney's order granting the plaintiff's ex parte application to certify the defendant's appeal as frivolous in the case Craig v. County of Orange, Case No. SACV 17-00491-CJC(KESx).

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct. Executed on February 7, 2025.

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5 Dated: March 12, 2025

/s/Cooper Alison-Mayne

Cooper Alison-Mayne

Attorneys for Plaintiffs